

App. Serial No.: 10/815,376

Atty. Docket No.: 0061-011

REMARKS

These remarks are in response to the Office Action dated February 4, 2008, which has a shortened statutory period for response set to expire May 4, 2008. A three-month extension, to expire August 4, 2008, is requested in a petition filed herewith.

Claims

Claims 1-42 are pending in the above-identified application. Claims 1-42 are rejected over prior art. Claims 1, 10, 11, 37, 38, and 42 are amended, and Claims 43-45 are added. Claims 2-9, 12-36, and 39-41 remain as originally filed or previously presented. Reconsideration is requested.

Rejections Under 35 U.S.C. §102 and 35 U.S.C. §103

Claims 1-4, 7-21, 23-29, and 31-42 are rejected under 35 U.S.C. § 102 (b) as being anticipated by U.S. Patent No. 5,144,943 (Luttrell et al.). Claims 5-6 and 22 are rejected under 35 U.S.C. §103(a) over Luttrell et al. in view of Applicant's specification. Claim 30 is rejected under 35 U.S.C. §103(a) over Luttrell et al. in view of U.S. Patent No. 5,215,508 (Bastow).

The independent claims are amended herein, as agreed in the Examiner interview of July 17, 2008, to overcome all of the pending rejections. The amendment of the claims is intended to expedite the allowance of this application and is not an admission with respect to the propriety of the pending rejections.

Claims 1-36

As amended herein, Claim 1 now recites (in part): "said biasing member exerting a continuous force to simultaneously bias said first and second surfaces of said foot engaging apparatus away from said lower leg engaging apparatus." Therefore, Claim 1 is allowable over the cited prior art for at least the reasons provided above in the interview summary. Claims 2-36 depend, either directly or indirectly, from Claim 1 and are, therefore, allowable over the cited prior art for at least the same reasons as Claim 1.

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Claims 37-41

As amended herein, Claim 37 now recites (in part): "said biasing member exerting a continuous force operative to simultaneously bias said first and second surfaces of said foot engaging apparatus away from said leg engaging apparatus." Therefore, Claim 37 is allowable over the cited prior art for at least the reasons provided above in the interview summary. Claims 38-41 depend, either directly or indirectly, from Claim 37 and are, therefore, allowable over the cited prior art for at least the same reasons as Claim 37.

Claim 42

As amended herein, Claim 42 now recites: "thereby simultaneously biasing said first and second surfaces of said foot engaging means away from said leg engaging means." Therefore, Claim 37 is allowable over the cited prior art for at least the reasons provided above in the interview summary.

For the above reasons Applicants request reconsideration and withdrawal of the rejections under 35 U.S.C. §102 and 35 U.S.C. §103.

New Claims 43-45

New Claims 43, 44, and 45 depend from independent Claims 1, 37, and 42, respectively, and are, therefore, distinguishable over the cited prior art for at least the reasons provided above with respect to their corresponding base claims.

Furthermore, Claims 43-45 each recite limitations regarding the constant relative angle between the leg engaging means/apparatus and the foot engaging means/apparatus. The cited references do not disclose this aspect of the claimed invention.

Support for new Claims 43-45 can be found in Applicants' original specification at least at Page 8, Lines 1-7.

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For the foregoing reasons, Applicants believe Claims 1-45 are in condition for allowance. Should the Examiner undertake any action other than allowance of Claims 1-45, or if the Examiner has any questions or suggestions for expediting the prosecution of this application, the Examiner is requested to contact Applicants' attorney at (269) 279-8820.

Respectfully submitted,

Date: 8/4/08

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CERTIFICATE OF FACSIMILE TRANSMISSION (37 CFR 1.8(a))

I hereby certify that this paper (along with any referred to as being attached or enclosed) is being transmitted via facsimile, on the date shown below, to: MS Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, at (571) 273-8300.

Date: 8/4/08

Larry E. Henneman, Jr.